

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-7 remain in the application. Claims 1 and 5 have been amended.

In item 3 on pages 2-4 of the above-mentioned Office action, claims 1-7 have been rejected as being unpatentable over Hummel et al. (US Pat. No. 5,823,109) in view of MacPhee (US Pat. No. 5,054,393) under 35 U.S.C. § 103(a).

The rejection has been noted and claims 1 and 5 have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 8, lines 7-18 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

a first distributor roller and a second distributor roller, said first distributor roller being in rolling contact simultaneously with two ink applicator rollers and being disposed more closely to the printing form than said second distributor roller, said first distributor roller axially oscillating more slowly than said second distributor roller, said first and second distributor

rollers being rotatively driven formlockingly. (Emphasis added.)

Claim 5 calls for, inter alia:

a first distributor roller and a second distributor roller, said first distributor roller being in rolling contact simultaneously with two ink applicator rollers and being disposed more closely to the printing form than said second distributor roller, said first distributor roller axially oscillating more slowly than said second distributor roller, said first and second distributor rollers being positively driven in a rotational manner. (Emphasis added.)

Two types of rollers in printing machines are known to a person skilled in the art. The rollers of one type are formlockingly rotatively driven by a single motor or over a gear transmission. The distribution rollers of the invention of the instant application and the distribution rollers 20, 22 in Hummel et al. (see column 3, lines 25-29 and column 4, lines 33-52) are this type of rollers. The rollers of the other type are frictionally rotatively driven by adjacent rollers in frictionally rolling contact therewith. The ink application rollers 10 and 12 in Hummel et al. (see column 47, lines 37-41) and the roller 24 in MacPhee are this type of rollers. Further, a person skilled in the art recognizes the typical structure of the roller shaft 26 for rollers driven frictionally rotatively as a "dead" shaft (compare column 4, lines 34-35 of MacPhee).

These two types of rollers are not compatible with one another. Due to technical reality, it is impossible to replace the distribution rollers 20, 22 in Hummel et al. by the roller 24 of MacPhee. If a person would nevertheless try to replace the rollers 20, 22 in Hummel et al. with the roller 24 from MacPhee, the rotative drive of the rollers in the roller train of Hummel et al. would no longer be endured. As shown in Fig. 1 of Hummel et al., if in the Hummel et al./MacPhee combination the distribution roller 24 would be the only roller with a formlocking rotation drive in the roller train, then the distribution roller 24 alone would have to frictionally rotatively drive not only the replacement rollers of the distribution rollers 20, 22, but also the ink application rollers 10, 12 and the ink transfer roller 30 of the roller train. The distribution roller 24 cannot achieve this due to the length of the roller train and the plurality of roller gaps within the roller train. Rolling slip occurs in each of the roller gaps, which would reduce the overall efficiency and altogether is too much for the distribution roller 24 to handle.

In addition, the roller 24 from MacPhee is at most suitable to replace the ink application rollers 10, 12 because Hummel et al. teach that the rotation of the ink application rollers 10, 12 is the result of the friction of the adjacent rollers (see

column 4, lines 37-41) and because the roller 24 from MacPhee is best suitable to be driven frictionally. The replacement of the ink application rollers 10, 12 from Hummel et al. by the roller 24 of MacPhee, however, would in no way lead to the invention of the instant application, but only teach away therefrom.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 5. Claims 1 and 5 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 5, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-7 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to

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Respectfully submitted,



For Applicants

LAURENCE A. GREENBERG
REG. NO. 29,308

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Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101